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JVC COMPONENTS (THAILAND) CO., LTD.,
AGILIS, Inc., and AGILIS TECHNOLOGY INC.
and Defendant and Counter-plaintiff
VICTOR COMPANY OF JAPAN, LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

NIDEC CORPORATION,

Plaintiff,

vs.

VICTOR COMPANY OF JAPAN, LTD.,
JVC COMPONENTS (THAILAND) CO.,
LTD., AGILIS, Inc., and AGILIS
TECHNOLOGY INC.,

Defendants.

Case No. C05 00686 SBA

**STIPULATION AND [PROPOSED]
ORDER CONCERNING WILLFULNESS
WITNESSES AND DEPOSITION
SCHEDULE**

1 Further to the parties' meet-and-confer teleconference, and pursuant to Civil L.R. 6-2 and
2 7-12 of the Local Rules of Practice in Civil Proceedings before the United States District Court
3 for the Northern District of California, the parties declare that:

4 WHEREAS the parties have agreed to drop their respective requests to take the
5 depositions of the below witnesses in exchange for an agreement by the other party they will not
6 call those witnesses at trial, as follows:

7 1. Plaintiff Nidec Corporation withdraws its outstanding deposition notices for
8 Messrs. Tashiro, Nishiguchi, Mizuno, Kodama, Kumagai, Suzuki and Ozeki, and Defendant and
9 Counter-plaintiff JVC agrees not to call those witnesses at trial, or otherwise present evidence
10 from those witnesses; and

11 2. Defendant and Counter-plaintiff JVC withdraws its outstanding deposition notices
12 for Messrs. Nagamori, Kobe, Gomyo, Morita, Kodaki and Hamada, and Plaintiff Nidec
13 Corporation agrees not to call Messrs. Nagamori, Kodaki and Hamada at trial, or to otherwise
14 present evidence from those witnesses, and further agrees with respect to Messrs. Kobe, Gomyo
15 and Morita to present no testimony at trial or other evidence in response to JVC's charge of
16 willful infringement.

17 The parties stipulate to an order providing the following:

18 1. All outstanding deposition notices for Messrs. Tashiro, Nishiguchi, Mizuno,
19 Kodama, Kumagai, Suzuki and Ozeki, Nagamori, Kobe, Gomyo, Morita, Kodaki and Hamada are
20 withdrawn.

21 2. Messrs. Tashiro, Nishiguchi, Mizuno, Kodama, Kumagai, Suzuki and Ozeki are
22 precluded from testifying at trial or otherwise presenting evidence in any form.

23 3. JVC will not seek to present through any other means evidence of any activities of
24 Messrs. Tashiro, Nishiguchi, Mizuno, Kodama, Kumagai, Suzuki or Ozeki related to JVC's
25 defense against Nidec's charge of willful infringement that varies in any way from the description
26 of their activities as memorialized in all deposition testimony as of this date.

1 3. Messrs. Nagamori, Kodaki and Hamada are precluded from testifying at trial, or
2 otherwise presenting evidence in any form.

3 4. Messrs. Gomyo and Morita may testify at trial and/or present evidence in another
4 form related to subject matter other than actions taken by Nidec in response to JVC's allegation
5 of infringement under U.S. Patent No. 5,453,973.

6 5. Nidec will not seek to present through any other means evidence of any activities of
7 Messrs. Nagamori, Kobe, Kodaki, Hamada, Gomyo or Morita related to NIDEC's defense against
8 JVC's charge of willful infringement that varies in any way from the description of their activities
9 as memorialized in all deposition testimony as of this date.

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Respectfully submitted,

Dated: May 31, 2007

MORGAN, LEWIS & BOCKIUS LLP

FRANKLIN BROCKWAY GOWDY
THOMAS D. KOHLER
DAVID C. BOHRER
MICHAEL J. LYONS

By: /s/ Thomas D. Kohler
THOMAS D. KOHLER

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CORPORATION and NIDEC SINGAPORE
PTE, LTD.

Dated: May 31, 2007

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By: /s/ Anthony F. Lo Cicero
Anthony F. Lo Cicero

Attorneys for Defendants
JVC COMPONENTS (THAILAND) CO.,
LTD., AGILIS, Inc., and AGILIS
TECHNOLOGY INC.

and Defendant and Counter-plaintiff
VICTOR COMPANY OF JAPAN, LTD.

1 Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Thomas D.
2 Kohler, attest that concurrence in the filing of this document has been obtained from each of the
3 other signatories. I declare under penalty of perjury under the laws of the United States of
4 America that the foregoing is true and correct. Executed this 31st day of May 2007, at Palo Alto,
5 California.

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7 /s/ Thomas D. Kohler
Thomas D. Kohler
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June ____, 2007.

June 1, 2007

Dated: _____

